
A KEY
TO
STERNE'S EXPOSURE
OF
Jamaica Justice,
OR
A BRIEF ACCOUNT
OF THE
Author's Individual Wrongs.

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TO THE
LIBERALS OF GREAT BRITAIN,
OR
UNITED FRIENDS AND ZEALOUS ADVOCATES
OF
CIVIL AND RELIGIOUS
Liberty.

IT having been suggested to me by several friends, that my appeal, in order to excite sympathy and insure support, as set forth in my Volume of Facts, has been in a great measure lost, in consequence of the voluminousness of uninteresting law and documentary matter, I am induced to place before my readers a brief account of the grievous wrongs which have been heaped upon me, merely referring to my Volume of Facts, for a more detailed view, which Volume has been so compiled by me, with all the subject matter at issue, both for and against me, in order that my enemies should have no possible loop-hole to escape exposure, and that justice might eventually triumph. Indeed, I considered it my only proper mode of proceeding, and further, it was so compiled in order to save Lord Glenelg, (before whom my appeal was to be first laid,) an immensity of unnecessary trouble in perusing numerous original and separate documents which might have got lost, or been thrown aside; and, finally, I considered that the compilement, as it stands, was absolutely necessary, in order, circumstantially, to shew any of my enquiring friends how severely ill-treated I have been, and how imperceptibly led on to the present moment.

I feel assured that every liberal Christian and enlightened mind, who may chance to read these

pages, will approve, if not applaud my zeal in the work of reformation, and my resistance to judicial and magisterial oppression.

I would premise, generally, that my speculations, wrongs and losses in the Island of Jamaica have arisen from the determined stand I made in favor of civil and religious liberty, from my supporting the cause of Christian Missions, and our holy religion, (by whatever weet promulgated) and by my advocating Slave-Emancipation, and endeavouring to shield the negro population from the oppression of their hard task-masters, inconsidered as they are at their being about to be rescued from their tyranny, by their apprenticeship (another name for slavery) wearing out.

First, my reader should be informed, that the island law of Jamaica, previous to August 1st, 1834, (the day on which slavery was to have ceased throughout the colonial possessions of the British Empire,) forbade the admission of evidence in a court of law, of a slave (whether a Christian or not—whether enlightened or ignorant,) against a free subject of His Majesty. This truly awful state of things gave countenance to the greatest enormities, as a proof of which see pp. 15 to 27, wherein I had laid a case of murder before the Marquis of Sligo, which had been decided on in a court of law, of the most horrifying and abominable description—a wife instigating her slaves to the murder of her husband—and her two cousins (free subjects,) assisting these wretched unwilling slaves in the act. Four of these unfortunate and deluded slaves were executed, under the provision of the law, but the wife of the murdered man and her two cousins, who were infinitely more guilty than the unfortunate slaves that suffered, were allowed to escape from justice, and still exist at large.

And further, what must be more appalling still to the enlightened mind, the four unfortunate slaves

was put to death by the law, for the perpetration of the crime committed by their free mistress, &c., by a jury, (see p. 17) valued at £288 6s. 8d. which sum was, according to law, actually paid over to this abominable free woman, as their mistress proprietor, by the Receiver General of the Island of Jamaica, and thus she received the price of blood.

The state of things after the cessation of slavery, of course, would be very different, the law now recognizing the right of evidence from all, so long as they are Christians. It is, therefore, since the cessation of slavery all my wrongs have occurred and accumulated. It was in November, 1834, (the 4th month after Slavery Emancipation,) that I had occasion to appeal to the Chief Magistrate of the parish, (the very Magistrate before whom I had been instrumental in appeal a few years previously, during the existence of slavery,) in the case of the aforementioned atrocious murder.

My appeal now was in a case of theft and most provoking trespass on my property. I was occupying a house and premises on Buff Bay, a small country village, to which was attached about half an acre of rich Guinea grass, which, by being well enclosed from intruders, and highly manured, was considered sufficient to stable-feed two horses during the year. I occasionally kept three horses in my stables, and for weeks together never allowed my servant to cut any grass, finding it deficient, but had to purchase to the extent of 6s. 8d. worth a day, so that by this my reader may judge of the value of the grass to me. My servant, and special constable, David Clarke, who had the charge of my grass piece and kept the key of the gate, which was the only regular way of admittance into it, came frequently to me in the mornings, stating that thieves had been in the grass piece during the night, for that large patches had been fresh cut, so that I found it was in a manner useless allowing the grass to lie, and

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quarter sessions, and it was but a day or two before the sessions came on, that the miserable plan was concerted in which Mr. Lemaaney was put forward as the informer, to get me heavily fined, under color of law, but yet contrary to law. In the matter of the Kildare Wharf, (see pp. 37 to 41, 61 to 74, 92 to 107, &c.)

The result of the public trials at the quarter sessions, (see p. 56,) although every possible attempt was made by the Custos and his friends to defeat the ends of justice, clearly proved, beyond a doubt, that my accusations made to his Excellency were strictly true, and not unfounded or frivolous, as his Excellency was pleased to designate them.

No breathing was now allowed me ; persecution followed persecution, and before the quarter sessions were hardly over, I was summoned (see p. 58) to appear before the same three magistrates, Mr. Bell's friends, to have a mock trial, and to be heavily fined in reference to my wharf; this summons caused me (as there was no time to be lost) to post off immediately during the night, (see p. 59,) and to go near 100 miles for counsel's opinion and advice, so as to be prepared to appear before them, and whilst I was absent seeking such advice, further mischief was planning at home, so that when I returned, I found that my wife had been summoned by the Special Justice, (who was one of the same three Justices, see p. 75,) to appear before him on the Tuesday following, and my servant or special constable, had been threatened by this Special Justice that he would send him to the workhouse, (not a place of protection, as our English workhouses are, but places of the greatest degradation and cruelty.)

On the day of my return, in obedience to the summons, I appeared before these three Justices, who, contrary to law, but under color of it, imposed a heavy penalty upon me, and caused the con-

at ble, forthwith, to levy the same upon my household furniture.

The same day also, in order to effectually destroy or get rid of me, the Custon's brother-in-law was instigated to become another informer, and under color of law, again to get me fined, (see p. 65;) but this I escaped, by giving up my wharf, losing thereby full £600, (see p. 95.)

And now the Tuesday arrived when Mrs. Sterne in obedience to her summons, accompanied by myself, my clerk, and our servant, David Clarke, appeared before Mr. Special Justice White, when the most infamous, disgraceful and unjust conduct ensued, the judge swearing out from the justice seat, (as was afterwards proved in an open court of justice,) refused to hear the evidence of Mrs. Sterne on behalf of our servant, David Clarke, although she was summoned there by the judge himself to deliver it; my apprentice who was there as a special constable, (being an officer sworn in and commissioned to keep the peace, see p. 282,) accusing another party of having broken the peace, *and assaulting him as a constable in the execution of his duty, and not being a party in anywise complainee of at all, was by this very righteous and just judge committed to the workhouse, placed in chains, and to hard labour,—*and myself, because I would not stand still as an idle spectator, and without remonstrance witness the unjust committal of my apprentice, and that too on my account, but as became a man, and as I considered to be my bounden duty respectfully interfered on behalf of my innocent apprentice, yet, was I threatened to be committed as he was—vilified and abused from the bench—publicly accused before my parishioners as being a spy—and finally, an armed body of police was made to lay violent hands upon me, and thus ignominiously was I illegally dragged and hustled out of a public court of justice, out of one of those open courts

which, as an able writer observes, "*It is the glory of England that such are, of right, open to the public.*"

This awful and ruinous state of things was immediately submitted by me, in an humble memorial, to his Excellency, the Marquis of Sligo, as governor, (see p. 29 to 32,) and although I therein pointed out who and what I was, referring his Excellency at once to a highly respectable authority at his elbow, and concluded, by stating that my apprentice was then in chains, and at hard labour, for no offence. Yet did his Excellency, the Marquis of Sligo, cast aside this powerfully made and humble appeal, leaving myself and family to ruin, and my unfortunate innocent apprentice to remain in irons and at hard labour, according to the unjust sentence passed.

Thus, the very power whose bounden duty it was to have protected me in so just a cause, *more especially my poor unoffending apprentice*, leagued himself against me—gave countenance to the magistrates to oppress me—and, as was afterwards proved in an open court of justice, (see pp. 171 & 208,) absolutely wrote to the Special Justice to constantly keep me out of his courts, and not suffer me again to enter them: and when as I afterwards did institute actions at law against this Special Justice, for his outrageous conduct towards me, not only on this occasion, but on various others, (see pp. 89 & 92, and the public trials,) his Excellency backed him, (see p. 165,) with the aid of Mr. Attorney General, Mr. Solicitor General, and Mr. Clerk of the Crown, at his expense, determining to ruin me.

Urged on by the justness of my cause, and an idea, as the Watchman newspaper asserted, (see pp. 85 and 90,) "*That it was not a mere dispute between myself and the Special Justice, but that it involved a great and important public question,*" I persevered, sparing neither labour nor expense,

and though against the most popular favourite Special Justice that the planters ever had in Jamaica, yet so clear was my right that I succeeded in each trial, so far as to obtain a verdict, though always afterwards saddled with the ruinous costs by the nefarious control or management of the Chief Justice, Sir Joshua Rowe, who was my sworn enemy, (see p. 234.)

In my first action against the three magistrates, Swire, Baugh, and White, their infamous conduct was so clearly exposed by my witnesses, (see pp. 96 to 105,) that the jury granted me a verdict of £51 damages, with full costs, on account of the first levy and sale of my furniture; but, when my bill of costs appeared in the grand court to be taxed, according to law, after having been put to a great expense to get up the vouchers, (see pp. 142 to 146,) the Chief, of his own usurped power, illegally refused to grant it, saddling me with the same.

And, in my second action against the same three magistrates for the second levy of my furniture, the Chief refused to allow my witnesses to be interrogated as to the principal wrong done to me, unjustly telling the jury, that although a second levy had been made, yet that I had given it in evidence, and had been awarded damages for it in my first action; notwithstanding, as my counsel observed, (see p. 137,) "that it was impossible such could be the case, and that his Honor could not have done his duty if he had allowed such evidence:—"Nay," said the learned counsel, "his Honor could not have received it, because the action first sent out only charged them with the first trespass, that of the 12th January, and the articles were therein stated specifically, (see p. 95,) *"now, our present action is for a trespass committed on my client's property, after the first action had gone out."*

Yet did the Chief so instruct the jury, that they found for the defendants, and although

they gave their verdict, "*That each party should bear their own costs*;" yet did the Chief, Sir Joshua Rowe, in the next grand court, by an arbitrary stretch of power, cause judgment to be entered up against me, *contrary to the verdict of my twelve peers*, and saddled me with the defendant's full costs out of purse, (see p. 149.)

But the Chief Justice's gross and iniquitous conduct is ten times more apparent in my trials against Special Justice White, which are well worth the reader's minute attention, particularly the last trial, and the arguments for and against granting a new trial, which he did grant, *contrary to law*, and then, afterwards, when his error was pointed out, publicly denied he had so granted it, (see pp. 182 to 218.)

In the first trial, so palpable did the oppression appear before the eyes of the jury, that, notwithstanding all the eloquence of the learned Attorney General, Solicitor General, and the Chief Justice himself, as also the high favor in which Mr. Special Justice White was with the planters; yet, notwithstanding all this, did the jury grant me a verdict of £103 6s 8d. with full costs.

What then was the result? The Chief, then, *contrary to law*, granted a new trial, and, after a lapse of another third of a year, when I had gone to hundreds of pounds expense in bringing over my witnesses to the court, 15 in number, then he refused to allow the new trial to go on, publicly denying he had granted one; then with one breath he allowed the judgment of damages granted by the first jury to be entered up, and with the next breath made it void; and then, after keeping myself and the 15 witnesses in court for near two weeks, at an expense of from £30 to £20 per day, besides my having to fee extra counsel to urge him, he actually again granted a new trial, but refused to allow it to come on that

sessions, although both my own and the defendant's witnesses were in attendance, but again caused another third of a year to elapse, and the same awful expense, of bringing over my witnesses, to ensue.

Now then came on my last trial against the Special Justice, and on this notable occasion, the Chief's vindictive conduct was openly exposed to all, so much so, (see p. 205,) "that great whispering and tittering existed throughout the court, and a most worthy friend of mine, a clergyman, who had that very morning breakfasted, by invitation, with the chief justice, came to me and said, "*my dear friend what have you been doing to the Chief, he is determined to overthrow you, you have an excellent counsel, but you must look elsewhere for justice, &c.*"

The Chief not only acted as judge, but absolutely as counsel for the defendant, and the principal document necessary to act upon before going to trial, which had been fully scrutinized, argued upon, and admitted at the first trial, viz. the notice of action, (see pp. 160 and 169,) was now refused to be admitted as evidence, (see p. 201,) thus I was within an ace of being nonsuited, and saddled with (according to the abolition act) treble costs of the defendant; but fortunately for me, the quick and penetrating eye of my counsel, Mr. Batty, saved me, having discovered on looking into my brief that one of the various trespasses committed upon me by Mr. White was committed whilst he was only in his station as a private individual, and not as a Special Justice; consequently he fixed the attention of the court, and brought up those of my witnesses to prove that fact, which, having been established so far, the documents referred to, viz. the notice of action, were not required. The trial then went on, the Chief first laying it down as a rule, that no evidence should go to the jury, but of that individual date and trespass, consequently all the gross and

severe outrage committed upon me on other days, was not allowed to be brought before the jury. Yet did the Chief, to his eternal disgrace, (see p. 218,) admit evidence of serious import on the part of the defendant, of facts before and totally unconnected with the date in question, from which he resolutely excluded me, allowing Mr. Attorney General to copiously address the feelings of the jury, and distort that very evidence given, (see p. 214 & 267,) wherein I was falsely represented to them as a spy—as an agent of the Anti-slavery Society in England, and consequently so (falsely) called an enemy to the Island of Jamaica, and laying before them, as a rule for their guidance, “that if they returned a verdict in my favor for more than 40s. damages, Mr. White, who was their friend and faithful ally, would be saddled with the heavy costs of some hundreds of pounds, but, if they merely gave me a nominal verdict, (see p. 215,) I should be no loser,—no, not of a single dollar, for that all which came out of my pocket would be repaid me by the powerful Anti-slavery party, their enemies, at home. This very shamefully allowed, and exciting appeal to a jury of planters, followed up by the Chief Justice’s powerful address to the same effect, (see the praise given to him for it by the Editor of the Jamaica Dispatch, p. 224,) so operated upon the minds of the jury, that though they granted me a verdict, yet it was for only 20s. damages without costs.

Thus, kind reader, you will perceive, that through the wickedness and injustice of the Chief, Sir Joshua Rowe—the ascendancy of party feeling—the gross refusal of his Excellency, the Marquis of Sligo, to interfere with my memorial at first—and the countenance given by him to my persecutors, I am ruined.

Though I injured none from the beginning, but on the contrary, because I stood forward to shield the helpless—to protect the innocent—to defend the deeply injured and op-

pressed from cruelty and wrong, I and my family have been marked out as victims—the protection of the laws have not been ceded to me—my lawful occupations have been disturbed—my industry has been fettered—my pursuits have been perplexed—my family have been distressed, and worst of all—my property, not only exposed to insecurity, but absolutely, under a false color of law, has been cruelly wrenched from me.

Under such accumulated and aggravated circumstances what am I to do : first I would refer my readers to p. 54, my last address to Lord Sligo on quitting Jamaica,—“*However, I am, my lord, determined to go in person and lay my grievances before those who, I am confident, will honestly hear and redress them.*”

Kind reader, I have come. I do once more tread the land of my nativity, and I do hope that my confidence in your readiness to help may not be misplaced. A very little from each kind hearted reader, would show the truth of my assertion—would secure myself and family from ruin—would cause justice to triumph over oppression—and would strengthen the hands and hearts of thousands, who are now anxiously looking to the result of my appeal.

I have no more to add, I have no more to trouble my readers with, but refer them to p. 229, and so leave the whole matter before them, and in the hands of him, who, I can thankfully and confidently say hath hitherto been my solace and support.

I am,

Your faithful friend,

THE AUTHOR.